

**CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 231A**

AN ORDINANCE AMENDING CITY OF LIBERTY LAKE ORDINANCE NO. 231.

WHEREAS, the City of Liberty Lake (“City”) passed Ordinance No. 231 on June 21, 2016, establishing a moratorium on the acceptance of applications or issuance of permits for the construction of multifamily housing; and

WHEREAS, the City may adopt a moratorium under RCW 35A.63.220 and RCW 36.70A.390 without first holding a public hearing on the moratorium as long as it holds a public hearing on the moratorium within sixty (60) days of its adoption, and

WHEREAS, on July 19, 2016, the City Council held a public hearing on the moratorium and accepted public comment from the public; and

WHEREAS, after the public hearing the City Council determined that it is in the best interest of the City and its citizens to amend Ordinance No. 231 and include an additional exception to the moratorium for all R2 Zones within the City; and

WHEREAS, the amendment to Ordinance No. 231 maintains the City’s intent to protect the public health and safety and is in the public interest while the City studies its Development Regulations and consistency with the updated Comprehensive Plan.

NOW, THEREFORE, the City Council of the City of Liberty Lake, Washington, do ordain as follows:

Section 1. **Findings of Fact.** The City Council adopts the above recitations as findings of fact justifying the moratorium and supplementing herein its original findings of fact as set forth in Ordinance No. 231.

Section 2. **Amendment.** Ordinance No. 231, Section 2, is hereby amended to read as follows:

A moratorium is established in the City on the acceptance of applications or the issuance of permits associated with the construction of multifamily housing in the City, provided that this moratorium shall not apply to:

- A. Multifamily housing that is part of a mixed use development that otherwise complies with the provisions of the City’s Municipal Code; or
- B. Multifamily developments that are consistent with approved Specific Area Plans; or
- C. Vested applications; or

D. R2 Zones.

All other provisions and terms contained in Ordinance No. 231 shall remain in full force and effect.

Section 3. **Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or unconstitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. **Effective Date.** This Ordinance, as a public emergency ordinance, necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force and effect immediately upon adoption. Pursuant to *Matson v. Clark County Bd. Of Com'rs*, 79 Wash.App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the "WHEREAS" clauses, above, all of which are adopted by reference as set forth herein. This Ordinance shall become effective immediately upon passage. The City Clerk is directed to publish a summary of this Ordinance, as applicable, at the earliest publication date.

Passed by the City Council this ____ day of _____, 2016.

MAYOR STEVE PETERSON

ATTEST:

ANN SWENSON, City Clerk

APPROVED AS TO FORM:

SEAN P. BOUTZ, City Attorney